



Crl.O.P.No.9194 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2023

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Crl.O.P.No.9194 of 2023

Wasim Raja

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai

(Crime No.148 of 2023). ... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,

pleased to enlarge the petitioner/accused on bail, in connection with the

Crime No.148 of 2023, pending on the file of respondent Police.

For Petitioner : M/s. M. Manimaran

For Respondent : Mr.C.E.Pratap
Government Advocate (crl.side)



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ORDER

The petitioner, who was arrested and remanded to judicial custody on 14.03.2023 for the offences punishable under Sections 8(c) r/w 22(c), 25, 29(i) of NDPS Act,1985 in Crime No.148 of 2023, on the file of the respondent Police, seeks bail.

2. The case of the prosecution is that on 14.03.2023 at about 9:30 hour, when Tr.Velmurugan, Sub Inspector of Police, was in station duty at that he received secret information about the illegal transport of Narcotic Substance. After receiving information he along with his police team went to the scene of occurrence. At that time the petitioner along with other accused were found in possession of 60 grams of Methamphetamine. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that only based on the confession statement from A2 the petitioner/A3 has been implicated in this case and there is no



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recovery from this petitioner/A3. He also submit that A2 is the supplier of the Methamphetamine and he has stated that he had intended to hand over the same to this petitioner to give it to another accused and there is no previous case against the petitioner. He would also submit that the petitioner is ready to abide by any stringent conditions imposed that may be imposed by this Court and he is in judicial custody from 14.03.2023. Hence, he seeks for grant of bail to the petitioner.

4. The Respondent has filed a counter and the overtacts of each accused is stated hereunder:

<i>S.No</i>	<i>Accused</i>	<i>Contrband Seized</i>	<i>Commercial/ Non-Commercial</i>	<i>NDPS Schedule No</i>	<i>Chemical Report</i>
1	Deepan/A1	Nil	---	---	---
2	Darling vincent/A2	60 Grams Methampheta mine	Commercial Quantity	159	Not Obtained
3	Vasimraja/A3	Nil	---	---	---
4	Sowber Sathick/A4	Nil	----	----	----
5	Venugopal/A5	Nil	---	----	---



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5 .The learned Government Advocate (crl.side) for the respondent submitted that the petitioner is a friend of A1 and 60 grams of Methamphetamine has been has been seized from A2 who has got two previous cases pending against him. A2 has confessed that he had intended to hand over the contraband to the petitioner. He would further submit that there is no recovery from this petitioner and there is no previous cases pending against the petitioner. However , he opposed for grant of bail to the petitioner.

6.At this juncture, the learned counsel for the petitioner submitted that the petitioner, without prejudice to his defense and contention, is ready and willing to deposit an amount of Rs.20,000/- to any welfare scheme run by the Government. Hence, he prays for grant of bail to the petitioner.

7. Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) and perused the materials available on record.

8. On considering the voluntary submission made by the learned



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counsel for the petitioner, the petitioner is directed to deposit a sum of Rs.20,000/- (Rupees Twenty Thousand only) to the credit of "**Little Drops -Public Charitable Trust**", without prejudice to his rights and contentions before the trial Court.

9. Merely, because the petitioner has deposited the said amount, it would not amount to admission of his guilt. Therefore, it is open to the trial Court to deal with the case independently.

10. Taking into consideration the facts and circumstances of the case, the submissions made by either side and also taking note of the fact that the petitioner has also satisfied the conditions required under Section 37 of the NDPS Act and come forward to deposit an amount of Rs.20,000/- to the credit of "**Little Drops -Public Charitable Trust**", this Court is inclined to grant bail to the petitioner with certain conditions.

11. Accordingly, the petitioner is ordered to be released on bail on condition to make a non-refundable deposit of Rs.20,000/- (Rupees Twenty



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Thousand only) by way of **RTGS/NEFT to the credit of "Little Drops -Public Charitable Trust, Account Number : 05811010002400, IFSC Code : PUNB0058110, Punjab National Bank, Moulivakkam, Chennai",** without prejudice to his rights and contentions before the trial Court, on such deposit and production of proof, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **XV Metropolitan Magistrate, George Town, Chennai** and on further conditions that:

[a] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the Respondent Police Station everyday at 10.30 a.m., until further orders;

[c] the petitioner shall not abscond either during investigation or trial;



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]*;

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

26.04.2023

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To

1.The **XV Metropolitan Magistrate, George Town, Chennai**

2.The State represented by,
The Inspector of Police,
H-6, RK Nagar Police Station,
Chennai
(Crime No.148 of 2023)

3. The Central Prison, Puzhal

4.The Public Prosecutor, High Court of Madras.



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A.D.JAGADISH CHANDIRA.,J.

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